

Appl. No. : 10/674,857
Filed : September 30, 2003

REMARKS

Applicant respectfully requests reconsideration of the above-captioned application in light of the above amendments and the following remarks.

Clarifying Amendments to Claim 21 Overcome 35 U.S.C. § 102 Rejection

In the Office Action, the Examiner referred to Applicant's previous arguments and stated "it appears that the applicant's interpretation of the language "depending portion" to be narrower than what is being claimed. The examiner can reasonable interpreted any portion of that shown in Fig. 3 to be a 'depending portion'". (Office Action, page 2). Applicant respectfully disagrees about the interpretation of "depending portion". However, in order to progress prosecution, Applicant has here amended claims in order to define the claimed invention in a manner to avoid the language upon which the Examiner and Applicant disagree.

Applicant understands that it may be difficult for an Examiner to determine which claim text has been amended when using the official format for amending claims in a reissue application. Thus, for the Examiner's convenience, amended independent Claims 21 and 29 are reproduced below in a manner showing the amendments made in this paper in the more familiar format:

21. (Currently Amended) A support member for a body cavity irrigation device, comprising a substantially elongated plate configured to extend across a rear portion of a toilet bowl and to be supported by an upper surface of a rim of the toilet bowl, the plate comprising a depending portion an upper portion and a lower portion, the upper portion configured to engage an upper surface of a rim of the toilet bowl, the lower portion depending from the upper portion and being configured to generally correspond to the curvature of the rim below the upper surface and at the rear portion of the toilet bowl, and an attachment member is arranged in the depending lower portion so as to be disposed below the upper surface of the rim, the attachment member configured to receive a tubular member in a selectively-releasable press-fit manner.

24. (Currently Amended) The support member of Claim 21, wherein a substantially U-shaped groove is formed in the depending-lower portion, the groove being sized to receive the tubular member therein, and the attachment member is disposed at or adjacent the groove.

26. (Currently Amended) The support member of Claim 21, wherein the support member comprises a channel formed in the depending-lower portion and the support member

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lower portion further comprises a front face, and wherein the channel has an inlet and an outlet, and the inlet and outlet are both formed at the front face of the ~~support member~~lower portion.

29. (Currently Amended) A support member for a body cavity irrigation device, the support member being sized and configured to extend across a toilet bowl so that an upper portion of the support member rests upon the upper surface of a rim portion of the toilet bowl, the rim portion bearing the entire weight of the support member, a portion of the support member depending so as to extend, in use, into the bowl below the upper surface of the rim so that a lower portion of the support member is defined below the upper portion, the lower portion configured to be below the upper surface of the rim when the upper portion rests upon the upper surface of the rim, the ~~depending lower~~ portion comprising an attachment member configured to releasably hold a tubular member in an orientation so that a longitudinal axis of the tubular member at or adjacent the attachment member lies in a plane generally parallel to the upper surface of the rim.

30. (Currently Amended) The support member of Claim 29, wherein the ~~depending lower~~ portion comprises a channel configured to accommodate a tubular member.

34. (Currently Amended) The support member of Claim 30, wherein the channel lies in a plane generally parallel to and lower than the upper surface of the rim.

39. (Currently Amended) The support member of Claim 37, wherein a longitudinal axis of the rectal assembly at the input end is generally parallel to and below the upper surface of the toilet bowl.

Discussion of Claim 21

The Examiner rejected Claim 21, and Claims 22-28 which depend therefrom, under 35 U.S.C. § 102(b) in view of the Anderson reference. Claim 21 has been amended and, Applicant contends, clearly defines over Anderson. For example, Anderson does not disclose a support member having, *inter alia*, a lower portion depending from the upper portion and being configured to generally correspond to the curvature of the rim below the upper surface and at the rear portion of the toilet bowl, and an attachment member arranged in the lower portion so as to be disposed below the upper surface of the rim, the attachment member configured to receive a tubular member in a selectively-releasable press-fit manner.

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In contrast, Anderson teaches a sitz bath having a generally circular rim R configured to sit on the toilet bowl B when the toilet seat is raised. Col. 3, ll. 40-43. A channel C traverses the rim R and slopes downwardly. Col. 4, ll. 1-5. Sidewalls 20 of the sitz bath depend downwardly. As clearly shown in Fig. 2, the Channel C is entirely formed in the rim R portion of the bath, and no portion of the channel extends below the rim.

Since Anderson does not teach or suggest every element of Claim 21, Applicant respectfully requests that the Examiner withdraw the rejection. Additionally, the claims that depend from Claim 21 recite additional patentable subject matter such as, for example, a groove form in the lower portion, which is below the upper surface of the rim; the groove lying in a plane generally parallel to an upper surface of the base plate; the groove having comprising a second attachment member; and a channel formed in the lower portion and having an inlet and outlet that are both formed at a front face of the lower portion.

Since Anderson does not teach or suggest all of the limitations of Claims 21-28, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Discussion of Claim 29

The Examiner rejected Claim 29, and Claims 30-36 which depend therefrom, under 35 U.S.C. § 102(b) in view of the Anderson reference. Claims 37-39 are rejected in view of a combination of Anderson and Miller. Claim 29 has been amended and, Applicant contends, clearly defines over Anderson. For example, Anderson does not disclose a support member having, *inter alia*, plate comprising an upper portion and a lower portion, the upper portion configured to engage an upper surface of a rim of the toilet bowl, the lower portion depending from the upper portion and being configured to generally correspond to the curvature of the rim below the upper surface and at the rear portion of the toilet bowl, and an attachment member is arranged in the lower portion so as to be disposed below the upper surface of the rim, the attachment member configured to receive a tubular member in a selectively-releasable press-fit manner.

In contrast, the Anderson sitz bath has a channel C with a constriction 41 that is disposed in the rim R of the bath. However, Fig. 2 of Anderson clearly shows that the channel C and constriction 41 are disposed above the toilet rim when the device is in use.

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Since Anderson does not teach or suggest every element of Claim 29, Applicant respectfully requests that the Examiner withdraw the rejection. Additionally, the claims that depend from Claim 29 recite additional patentable subject matter such as, for example, the lower portion comprising a channel configured to accommodate a tubular member; a channel lying in a plane generally parallel to and lower than the upper surface of the rim; and the attachment member being disposed adjacent a front side of the support member.

Since Anderson does not teach or suggest all of the limitations of Claims 29-39, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Double Patenting Rejection

The Examiner provisionally rejected Claims 29-39 on the ground of nonstatutory obviousness-type double patenting in light of copending application no. 09/949,058, which has now issued as U.S. Patent No. Re38,690. Applicant has included herewith a Terminal Disclaimer in order to overcome this rejection.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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